

21 C.J.S. Courts § 308

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Courts

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VIII. Concurrent and Conflicting Jurisdiction

C. Courts of Different States or Countries

§ 308. Reviewing or enforcing judgment of foreign court

[Topic Summary](#) | [References](#) | [Correlation Table](#)

West's Key Number Digest

West's Key Number Digest, [Courts](#)  517

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Generally, a court of one state has no authority to modify, vacate, or annul the judgment or decree of a court of another state or country.¹ In this regard, the Federal Constitution requires one state to give full faith and credit to a judgment rendered in a court of another state.²

Additionally, under the doctrine of comity, the courts of a state will recognize and enforce valid judgments rendered by a foreign court, provided the state's own citizens are not unfairly prejudiced thereby and a state's public policies are not impaired.³ The determination whether to grant comity to an order of a foreign court is not a matter of the ultimate viability of the underlying claim in the foreign jurisdiction but, rather, whether the substantive law of the foreign jurisdiction as addressed and expressed in the foreign court's order is in terms of moral standards, societal values, personal rights, and public policy reasonably comparable to that of the state being asked to recognize and

enforce the order.⁴ For example, a state court does not act improperly in failing to recognize an ex parte divorce entered by a religious magistrate in a foreign nation where neither party is domiciled if to do so would frustrate or make vain state laws regulating and limiting divorce.⁵

One state may set aside another state's judgment where it is shown that the court lacked jurisdiction or that the judgment was procured through fraud.⁶ In addition, a state court can modify a foreign judgment registered in the state, to the extent such modification is permitted in the state of rendition.⁷

Parallel suits.

In the situation of parallel proceedings in two different states, once a final judgment is reached in one of the actions, principles of full faith and credit,⁸ comity, issue preclusion, and claim preclusion dictate that the second forum is obligated to respect the prior adjudication, so that even if both proceedings continue there should be only one judgment recognized in both forums.⁹

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Footnotes

- 1 La.—*Swain v. Swain*, 339 So. 2d 453 (La. Ct. App. 1st Cir. 1976).
 Mich.—*Farrell v. Farrell*, 133 Mich. App. 502, 351 N.W.2d 219 (1984).
A.L.R. Library
 Construction and Application of Uniform Foreign Money-Judgments Recognition Act, 88 A.L.R.5th 545.
 Home state jurisdiction of court to modify foreign child custody decree under ss3(a)(1) and 14(a)(2) of Uniform Child Custody Jurisdiction Act (UCCJA) and Parental Kidnapping Prevention Act (PKPA), 28 U.S.C.A. ss1738A(c)(2)(A) and 1738A(f)(1), 72 A.L.R.5th 249.
 Judgment of court of foreign country as entitled to enforcement or extraterritorial effect in state court, 13 A.L.R.4th 1109.
- 2 N.C.—*Hewett v. Zegarzewski*, 90 N.C. App. 443, 368 S.E.2d 877 (1988).
A.L.R. Library
 Requirement of full faith and credit to foreign judgment for punitive damages, 44 A.L.R.3d 960.
- 3 N.J.—*Sensient Colors Inc. v. Allstate Ins. Co.*, 193 N.J. 373, 939 A.2d 767 (2008).
- 4 Va.—*America Online, Inc. v. Nam Tai Electronics, Inc.*, 264 Va. 583, 571 S.E.2d 128 (2002).
- 5 N.H.—*In re Ramadan*, 153 N.H. 226, 891 A.2d 1186 (2006).
A.L.R. Library
 Valid foreign divorce as affecting local order previously entered for separate maintenance, 49 A.L.R.3d 1266.
- 6 N.C.—*Hewett v. Zegarzewski*, 90 N.C. App. 443, 368 S.E.2d 877 (1988).
A.L.R. Library
 Comment Note.—Fraud as defense to action on judgment of sister state, 55 A.L.R.2d 673.

- 7 Mo.—*Reardon v. Reardon*, 689 S.W.2d 127 (Mo. Ct. App. E.D. 1985).
- 8 Iowa—*Edward Rose Bldg. Co. v. Cascade Lumber Co.*, 621 N.W.2d 193 (Iowa 2001).
- 9 Tex.—*AVCO Corp. v. Interstate Southwest, Ltd.*, 145 S.W.3d 257 (Tex. App. Houston 14th Dist. 2004).

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Full faith and credit "last-in-time" rules as applicable to sister state divorce or custody judgment which is inconsistent with the forum state's earlier judgment, 36 A.L.R.5th 527.

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